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Examiner: Thaian N. Ton **Group:** 1632
Date: June 14, 2004
Client Code: 0050
Facsimile No.: 703-872-9306
From: Doreen M. Hogle, Esq.
Subject: **Paper:** Transmittal of Previously Filed Executed Declaration
Docket No.: 0050.1609-002
Applicants: Jay M. Edelberg and Robert D. Rosenberg
Serial No.: 09/614,326
Filing Date: July 12, 2000

Number of pages including this cover sheet: 7Please confirm receipt of facsimile: Yes X No **Comments:**

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T-902 P.02/07 F-172
Docket No.: 0050.1609-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 14 2004

Applicant: Jay M. Edelberg and Robert D. Rosenberg
Application No.: 09/614,326 Group: 1632
Filed: July 12, 2000 Examiner: T.N. Ton
Confirmation No.: 2553
For: ENHANCEMENT OF CARDIAC CHRONOTROPY

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office:	
on <u>6/14/04</u>	<u>Katie Norris</u>
Date	Signature
<u>Katie Norris</u>	
Typed or printed name of person signing certificate	

TRANSMITTAL OF PREVIOUSLY FILED EXECUTED DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Allowance mailed from the United States Patent and Trademark Office on March 25, 2004, the Examiner indicated that a Substitute Declaration/Oath must be submitted because the originally filed Declaration was not signed by one of the inventors, Jay M. Edelberg.

Submitted herewith are copies of the executed Declaration for Patent Application of Jay M. Edelberg which was filed on December 8, 2000 at the United States Patent and Trademark Office as evidenced by the attached copy of the Transmittal with Certificate of Mailing, and was received by the United States Patent and Trademark Office on December 11, 2000 as evidenced

09/614,326

-2-

by the attached copy of the date-stamped postcard receipt. Therefore, a substitute Declaration is not required.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Doreen M. Hogle

Doreen M. Hogle

Registration No.: 36,361

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Concord, MA 01742-9133

Date: June 14, 2004

COPYDOCKET NO. 0050 1609-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ENHANCEMENT OF CARDIAC CHRONOTROPY

the specification of which (check one)

☐ is attached hereto.☒ was filed on July 12, 2000 as United States Application

Number or PCT International Application No. 09/614,326

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/071,456
(Application Number)

January 13, 1998
(Filing Date)

(Application Number)

(Filing Date)

-3-

Full name of second joint

inventor, if any Robert D Rosenberg

Inventor's Signature _____ Date _____

Residence 28 Commonwealth Avenue

Boston, Massachusetts 02117

Citizenship U S

Post Office Address same as above

.ODMA\HODMAN\image.164359.1

Initials: DMH/MMY/smc/(dc) Docket No.: 0050.1609-002 Date: 12-8-00

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ Reply to Notice to File Missing Parts w/copy (Formalities Letter Attached)
 ☒ including Pet Ext Time w/fee
☒ EXECUTED DECL/POA 2 docs 6 pages
☒ FILING FEE w/Fee Transmittal w/copy Stmt of Small Entity Status
☒ SURCHARGE included Check for \$1,996.00
 SEQ LIST (separate transmittal) Authorization to Charge all Fees
 Other

Applicant(s): Jay M. Edelberg and Robert D. Rosenberg
Application No.: 09/614,326 Filed: July 12, 2000
Title: ENHANCEMENT OF CARDIAC CHRONOTROPY

Date received by the PTO:

: ODMA\MHODMA\Manage.183143.1